

EXHIBIT 3

Document Sought to Be Filed Under Seal

Chestney, Isabella

From: Sheasby, Jason
Sent: Tuesday, July 2, 2024 6:39 AM
To: Pensabene, Marc J.
Cc: Lucas, Amy R.; Harbour, Michael; jtruelove@mckoolsmith.com; Ashley, Matt; Manzin-Monnin, Benjamin; Clarkston, Matt; Chestney, Isabella; Glasser, Lisa; #Netlist-Samsung-CDCal; #CDCal-Staff [Int]; #Samsung Netlist Trial Team; Feinstein, Marc; Cohen, Lori; Treggs, Brian; Hamilton, Emilie W.; Snyder, Darin; ~Smith, Melissa; Frank Albert; rbc@fr.com; mckeon@fr.com; Daniel Tishman; LAD@fr.com; Katherine Reardon
Subject: Re: Netlist v. Samsung - follow up to trial

Marc:

It appears you are confused about the document production process. A vendor downloads documents and places them in a database. Lawyers then look at the databases. OMM had access to these documents. OMM is not denying this.

Once again for the fourth time please answer these questions:

"Lead counsel for Samsung in the CDCA case thus did not learn the content of these unproduced documents and of Netlist's discovery abuses until after the CDCA trial "

In the attached declaration, Samsung makes the following representation:

"O'Melveny did not learn of the content and non-production of all of these documents until after trial in CDCA, in the course of investigating Netlist's representations about the scope of its CDCA productions"

Samsung has put at issue when it had knowledge of these documents. Please therefore answer the following questions:

1. For each document that is the subject of the proposed motion, when did any Samsung attorney first review the document. When did any OMM attorney first review.
2. When was any OMM attorney aware that the documents were produced even if OMM had not review them.
3. Were there communications between OMM and the Fish firm or the Gilliam firm regarding the existence of the documents and when.
4. When was any OMM attorney aware that transcripts and exhibits from SK Hynix had been produced?.
5. When did any OMM attorney review any portion of the production of the East Texas case.

From: "Pensabene, Marc J." <mpensabene@omm.com>
Date: Tuesday, July 2, 2024 at 6:27 AM
To: Jason Sheasby <JSheasby@irell.com>
Cc: "Lucas, Amy R." <alucas@omm.com>, "Harbour, Michael" <MHarbour@irell.com>.

"jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>, "Ashley, Matt" <MAshley@irell.com>, "Manzin-Monnin, Benjamin" <bmonnin@irell.com>, "Clarkston, Matt" <mclarkston@omm.com>, "Chestney, Isabella" <ichestney@irell.com>, "Glasser, Lisa" <lglasser@irell.com>, #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com>, "#CDCal-Staff [Int]" <CDCal-Staff@irell.com>, #Samsung Netlist Trial Team <SamsungNetlistTrialTeam@omm.com>, "Feinstein, Marc" <mfeinstein@omm.com>, "Cohen, Lori" <lcohen@omm.com>, "Treggs, Brian" <btreggs@omm.com>, "Hamilton, Emilie W." <ehamilton@omm.com>, "Snyder, Darin" <dsnyder@omm.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, Frank Albert <Albert@fr.com>, "rbc@fr.com" <rbc@fr.com>, "mckeon@fr.com" <mckeon@fr.com>, Daniel Tishman <tishman@fr.com>, "LAD@fr.com" <LAD@fr.com>, Katherine Reardon <reardon@fr.com>

Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

I have admitted no such thing. To be absolutely clear, we have found no indication that anyone from OMM downloaded these documents prior to the CDCA trial, as you baselessly claim. We asked you to explain if you have any reason to believe otherwise and you provided no explanation. To the contrary, as noted in my prior email, the records you sent provide objective confirmation that OMM did not download these documents. If you continue to believe otherwise, we invite you to explain so we can investigate. Otherwise, we understand this issue to be finally resolved.

Thank you again for your assistance in running this issue to ground.

Best
Marc

From: Sheasby, Jason <JSheasby@irell.com>

Sent: Tuesday, July 2, 2024 9:19 AM

To: Pensabene, Marc J. <mpensabene@omm.com>

Cc: Lucas, Amy R. <alucas@omm.com>; Harbour, Michael <MHarbour@irell.com>; jtruelove@mckoolsmith.com; Ashley, Matt <MAshley@irell.com>; Manzin-Monnin, Benjamin <bmonnin@irell.com>; Clarkston, Matt <mclarkston@omm.com>; Chestney, Isabella <ichestney@irell.com>; Glasser, Lisa <lglasser@irell.com>; #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com>; #CDCal-Staff [Int] <CDCal-Staff@irell.com>; #Samsung Netlist Trial Team <SamsungNetlistTrialTeam@omm.com>; Feinstein, Marc <mfeinstein@omm.com>; Cohen, Lori <lcohen@omm.com>; Treggs, Brian <btreggs@omm.com>; Hamilton, Emilie W. <ehamilton@omm.com>; Snyder, Darin <dsnyder@omm.com>; ~Smith, Melissa <melissa@gillamsmithlaw.com>; Frank Albert <Albert@fr.com>; rbc@fr.com; mckeon@fr.com; Daniel Tishman <tishman@fr.com>; LAD@fr.com; Katherine Reardon <reardon@fr.com>

Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]

Marc:

Thank you for confirming your continued falsehoods. You have now admitted access to the documents via one of these downloads. The fact that OMM did not do the download itself is irrelevant.

Thanks
JS

From: "Pensabene, Marc J." <mpensabene@omm.com>

Date: Tuesday, July 2, 2024 at 6:15 AM

To: Jason Sheasby <JSheasby@irell.com>

Cc: "Lucas, Amy R." <alucas@omm.com>, "Harbour, Michael" <MHarbour@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>, "Ashley, Matt" <MAshley@irell.com>, "Manzin-Monnin, Benjamin" <bmonnin@irell.com>, "Clarkston, Matt" <mclarkston@omm.com>, "Chestney, Isabella" <ichestney@irell.com>, "Glasser, Lisa" <lglasser@irell.com>, #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com>, "#CDCal-Staff [Int]" <CDCal-Staff@irell.com>, #Samsung Netlist Trial Team <SamsungNetlistTrialTeam@omm.com>, "Feinstein, Marc" <mfeinstein@omm.com>, "Cohen, Lori" <lcohen@omm.com>, "Treggs, Brian" <btreggs@omm.com>, "Hamilton, Emilie W." <ehamilton@omm.com>, "Snyder, Darin" <dsnyder@omm.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, Frank Albert <Albert@fr.com>, "rbc@fr.com" <rbc@fr.com>, "mckeon@fr.com" <mckeon@fr.com>, Daniel Tishman <tishman@fr.com>, "LAD@fr.com" <LAD@fr.com>, Katherine Reardon <reardon@fr.com>

Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

Contrary to your baseless assumptions, the information you sent provides objective confirmation that OMM did not download the documents in question.

Thank you for your assistance in investigating this issue.

Best
Marc

From: Sheasby, Jason <JSheasby@irell.com>

Sent: Monday, July 1, 2024 11:35 AM

To: Pensabene, Marc J. <mpensabene@omm.com>

Cc: Lucas, Amy R. <alucas@omm.com>; Harbour, Michael <MHarbour@irell.com>; jtruelove@mckoolsmith.com; Ashley, Matt <MAshley@irell.com>; Manzin-Monnin, Benjamin <bmonnin@irell.com>; Clarkston, Matt <mclarkston@omm.com>; Chestney, Isabella <ichestney@irell.com>; Glasser, Lisa <lglasser@irell.com>; #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com>; #CDCal-Staff [Int] <CDCal-Staff@irell.com>; #Samsung Netlist Trial Team <SamsungNetlistTrialTeam@omm.com>; Feinstein, Marc <mfeinstein@omm.com>; Cohen, Lori <lcohen@omm.com>; Treggs, Brian <btreggs@omm.com>; Hamilton, Emilie W. <ehamilton@omm.com>; Snyder, Darin <dsnyder@omm.com>; ~Smith, Melissa <melissa@gillamsmithlaw.com>; Frank Albert <Albert@fr.com>; rbc@fr.com; mckeon@fr.com; Daniel Tishman <tishman@fr.com>; LAD@fr.com; Katherine Reardon <reardon@fr.com>

Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]

Marc:

You attempt to hide this information is just getting you into more and more trouble. One of these addresses is OMM. You know it and I know it.

Thanks
JS

From: "Pensabene, Marc J." <mpensabene@omm.com>

Date: Monday, July 1, 2024 at 8:27 AM

To: Jason Sheasby <JSheasby@irell.com>

Cc: "Lucas, Amy R." <alucas@omm.com>, "Harbour, Michael" <MHarbour@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>, "Ashley, Matt" <MAshley@irell.com>, "Manzin-Monnin, Benjamin"

<bmonnin@irell.com>, "Clarkston, Matt" <mclarkston@omm.com>, "Chestney, Isabella" <ichestney@irell.com>, "Glasser, Lisa" <lglasser@irell.com>, #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com>, "#CDCal-Staff [Int]" <CDCal-Staff@irell.com>, #Samsung Netlist Trial Team <SamsungNetlistTrialTeam@omm.com>, "Feinstein, Marc" <mfeinstein@omm.com>, "Cohen, Lori" <lcohen@omm.com>, "Treggs, Brian" <btreggs@omm.com>, "Hamilton, Emilie W." <ehamilton@omm.com>, "Snyder, Darin" <dsnyder@omm.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, Frank Albert <Albert@fr.com>, "rbc@fr.com" <rbc@fr.com>, "mckeon@fr.com" <mckeon@fr.com>, Daniel Tishman <tishman@fr.com>, "LAD@fr.com" <LAD@fr.com>, Katherine Reardon <reardon@fr.com>
Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

We do not understand the basis for your statement. Please identify which of the downloads you believe to be OMM and why.

Thank you.
Marc

From: Sheasby, Jason <JSheasby@irell.com>
Sent: Monday, July 1, 2024 11:14 AM
To: Pensabene, Marc J. <mpensabene@omm.com>
Cc: Lucas, Amy R. <alucas@omm.com>; Harbour, Michael <MHarbour@irell.com>; jtruelove@mckoolsmith.com; Ashley, Matt <MAshley@irell.com>; Manzin-Monnin, Benjamin <bmonnin@irell.com>; Clarkston, Matt <mclarkston@omm.com>; Chestney, Isabella <ichestney@irell.com>; Glasser, Lisa <lglasser@irell.com>; #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com>; #CDCal-Staff [Int] <CDCal-Staff@irell.com>; #Samsung Netlist Trial Team <SamsungNetlistTrialTeam@omm.com>; Feinstein, Marc <mfeinstein@omm.com>; Cohen, Lori <lcohen@omm.com>; Treggs, Brian <btreggs@omm.com>; Hamilton, Emilie W. <ehamilton@omm.com>; Snyder, Darin <dsnyder@omm.com>; ~Smith, Melissa <melissa@gillamsmithlaw.com>; Frank Albert <Albert@fr.com>; rbc@fr.com; mckeon@fr.com; Daniel Tishman <tishman@fr.com>; LAD@fr.com; Katherine Reardon <reardon@fr.com>
Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]

Attached is additional information on the downloading that occurred of the relevant volume.

It is apparent OMM downloaded the data and reviewed it before trial. Your attempt to hide this from the Courts is disappointing.

JS

From: Jason Sheasby <JSheasby@irell.com<mailto:JSheasby@irell.com>>
Date: Sunday, June 30, 2024 at 3:38 PM
To: "Pensabene, Marc J." <mpensabene@omm.com<mailto:mpensabene@omm.com>>
Cc: "Lucas, Amy R." <alucas@omm.com<mailto:alucas@omm.com>>, "Harbour, Michael" <MHarbour@irell.com<mailto:MHarbour@irell.com>>, "jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>" <jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>>, "Ashley, Matt" <MAshley@irell.com<mailto:MAshley@irell.com>>, "Manzin-Monnin, Benjamin" <bmonnin@irell.com<mailto:bmonnin@irell.com>>, "Clarkston, Matt" <mclarkston@omm.com<mailto:mclarkston@omm.com>>, "Chestney, Isabella" <ichestney@irell.com<mailto:ichestney@irell.com>>, "Glasser, Lisa" <lglasser@irell.com<mailto:lglasser@irell.com>>, #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com<mailto:Netlist-Samsung-CDCal@irell.com>>, "#CDCal-Staff

[Int]" <CDCal-Staff@irell.com<mailto:CDCal-Staff@irell.com>>, #Samsung Netlist Trial Team
<SamsungNetlistTrialTeam@omm.com<mailto:SamsungNetlistTrialTeam@omm.com>>, "Feinstein, Marc"
<mfeinstein@omm.com<mailto:mfeinstein@omm.com>>, "Cohen, Lori"
<lcohen@omm.com<mailto:lcohen@omm.com>>, "Treggs, Brian" <btreggs@omm.com<mailto:btreggs@omm.com>>,
"Hamilton, Emilie W." <ehamilton@omm.com<mailto:ehamilton@omm.com>>, "Snyder, Darin"
<dsnyder@omm.com<mailto:dsnyder@omm.com>>, Melissa ~Smith
<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>>, Frank Albert
<Albert@fr.com<mailto:Albert@fr.com>>, "rbc@fr.com<mailto:rbc@fr.com>" <rbc@fr.com<mailto:rbc@fr.com>>,
"mckeon@fr.com<mailto:mckeon@fr.com>" <mckeon@fr.com<mailto:mckeon@fr.com>>, Daniel Tishman
<tishman@fr.com<mailto:tishman@fr.com>>, "LAD@fr.com<mailto:LAD@fr.com>"
<LAD@fr.com<mailto:LAD@fr.com>>, Katherine Reardon <reardon@fr.com<mailto:reardon@fr.com>>
Subject: Re: Netlist v. Samsung - follow up to trial

Attached is a cleaner version if this helps.

From: Jason Sheasby <JSheasby@irell.com<mailto:JSheasby@irell.com>>
Date: Sunday, June 30, 2024 at 3:33 PM
To: "Pensabene, Marc J." <mpensabene@omm.com<mailto:mpensabene@omm.com>>
Cc: "Lucas, Amy R." <alucas@omm.com<mailto:alucas@omm.com>>, "Harbour, Michael"
<MHarbour@irell.com<mailto:MHarbour@irell.com>>,
"jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>"
<jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>>, "Ashley, Matt"
<MAshley@irell.com<mailto:MAshley@irell.com>>, "Manzin-Monnin, Benjamin"
<bmonnin@irell.com<mailto:bmonnin@irell.com>>, "Clarkston, Matt"
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<ichestney@irell.com<mailto:ichestney@irell.com>>, "Glasser, Lisa" <lglasser@irell.com<mailto:lglasser@irell.com>>,
#Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com<mailto:Netlist-Samsung-CDCal@irell.com>>, "#CDCal-Staff
[Int]" <CDCal-Staff@irell.com<mailto:CDCal-Staff@irell.com>>, #Samsung Netlist Trial Team
<SamsungNetlistTrialTeam@omm.com<mailto:SamsungNetlistTrialTeam@omm.com>>, "Feinstein, Marc"
<mfeinstein@omm.com<mailto:mfeinstein@omm.com>>, "Cohen, Lori"
<lcohen@omm.com<mailto:lcohen@omm.com>>, "Treggs, Brian" <btreggs@omm.com<mailto:btreggs@omm.com>>,
"Hamilton, Emilie W." <ehamilton@omm.com<mailto:ehamilton@omm.com>>, "Snyder, Darin"
<dsnyder@omm.com<mailto:dsnyder@omm.com>>, Melissa ~Smith
<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>>, Frank Albert
<Albert@fr.com<mailto:Albert@fr.com>>, "rbc@fr.com<mailto:rbc@fr.com>" <rbc@fr.com<mailto:rbc@fr.com>>,
"mckeon@fr.com<mailto:mckeon@fr.com>" <mckeon@fr.com<mailto:mckeon@fr.com>>, Daniel Tishman
<tishman@fr.com<mailto:tishman@fr.com>>, "LAD@fr.com<mailto:LAD@fr.com>"
<LAD@fr.com<mailto:LAD@fr.com>>, Katherine Reardon <reardon@fr.com<mailto:reardon@fr.com>>
Subject: Re: Netlist v. Samsung - follow up to trial

This is the complete information. I just capture it from an email so you could see it.

Thanks

JS

From: "Pensabene, Marc J." <mpensabene@omm.com<mailto:mpensabene@omm.com>>
Date: Sunday, June 30, 2024 at 3:26 PM
To: Jason Sheasby <JSheasby@irell.com<mailto:JSheasby@irell.com>>
Cc: "Lucas, Amy R." <alucas@omm.com<mailto:alucas@omm.com>>, "Harbour, Michael"
<MHarbour@irell.com<mailto:MHarbour@irell.com>>,
"jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>"
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<MAshley@irell.com<mailto:MAshley@irell.com>>, "Manzin-Monnin, Benjamin"

<bmonnin@irell.com<mailto:bmonnin@irell.com>>, "Clarkston, Matt"
<mclarkston@omm.com<mailto:mclarkston@omm.com>>, "Chestney, Isabella"
<ichestney@irell.com<mailto:ichestney@irell.com>>, "Glasser, Lisa" <lglasser@irell.com<mailto:lglasser@irell.com>>,
#Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com<mailto:Netlist-Samsung-CDCal@irell.com>>, "#CDCal-Staff
[Int]" <CDCal-Staff@irell.com<mailto:CDCal-Staff@irell.com>>, #Samsung Netlist Trial Team
<SamsungNetlistTrialTeam@omm.com<mailto:SamsungNetlistTrialTeam@omm.com>>, "Feinstein, Marc"
<mfeinstein@omm.com<mailto:mfeinstein@omm.com>>, "Cohen, Lori"
<lcohen@omm.com<mailto:lcohen@omm.com>>, "Treggs, Brian" <btreggs@omm.com<mailto:btreggs@omm.com>>,
"Hamilton, Emilie W." <ehamilton@omm.com<mailto:ehamilton@omm.com>>, "Snyder, Darin"
<dsnyder@omm.com<mailto:dsnyder@omm.com>>, Melissa ~Smith
<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>>, Frank Albert
<Albert@fr.com<mailto:Albert@fr.com>>, "rbc@fr.com<mailto:rbc@fr.com>" <rbc@fr.com<mailto:rbc@fr.com>>,
"mckeon@fr.com<mailto:mckeon@fr.com>" <mckeon@fr.com<mailto:mckeon@fr.com>>, Daniel Tishman
<tishman@fr.com<mailto:tishman@fr.com>>, "LAD@fr.com<mailto:LAD@fr.com>"
<LAD@fr.com<mailto:LAD@fr.com>>, Katherine Reardon <reardon@fr.com<mailto:reardon@fr.com>>
Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

What you sent appears to be cut off. Please send the complete report, which I expect will also include information like the date, etc.

Thanks
Marc

From: Sheasby, Jason <JSheasby@irell.com<mailto:JSheasby@irell.com>>
Sent: Sunday, June 30, 2024 3:23 PM
To: Pensabene, Marc J. <mpensabene@omm.com<mailto:mpensabene@omm.com>>
Cc: Lucas, Amy R. <alucas@omm.com<mailto:alucas@omm.com>>; Harbour, Michael
<MHarbour@irell.com<mailto:MHarbour@irell.com>>;
jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>; Ashley, Matt
<MAshley@irell.com<mailto:MAshley@irell.com>>; Manzin-Monnin, Benjamin
<bmonnin@irell.com<mailto:bmonnin@irell.com>>; Clarkston, Matt
<mclarkston@omm.com<mailto:mclarkston@omm.com>>; Chestney, Isabella
<ichestney@irell.com<mailto:ichestney@irell.com>>; Glasser, Lisa <lglasser@irell.com<mailto:lglasser@irell.com>>;
#Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com<mailto:Netlist-Samsung-CDCal@irell.com>>; #CDCal-Staff
[Int] <CDCal-Staff@irell.com<mailto:CDCal-Staff@irell.com>>; #Samsung Netlist Trial Team
<SamsungNetlistTrialTeam@omm.com<mailto:SamsungNetlistTrialTeam@omm.com>>; Feinstein, Marc
<mfeinstein@omm.com<mailto:mfeinstein@omm.com>>; Cohen, Lori
<lcohen@omm.com<mailto:lcohen@omm.com>>; Treggs, Brian <btreggs@omm.com<mailto:btreggs@omm.com>>;
Hamilton, Emilie W. <ehamilton@omm.com<mailto:ehamilton@omm.com>>; Snyder, Darin
<dsnyder@omm.com<mailto:dsnyder@omm.com>>; ~Smith, Melissa
<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>>; Frank Albert
<Albert@fr.com<mailto:Albert@fr.com>>; rbc@fr.com<mailto:rbc@fr.com>;
mckeon@fr.com<mailto:mckeon@fr.com>; Daniel Tishman <tishman@fr.com<mailto:tishman@fr.com>>;
LAD@fr.com<mailto:LAD@fr.com>; Katherine Reardon <reardon@fr.com<mailto:reardon@fr.com>>
Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]
Use this instead.

Subject: Re: Netlist v. Samsung - follow up to trial

See attached.

JS

From: "Pensabene, Marc J."

<mpensabene@omm.com<<mailto:mpensabene@omm.com><<mailto:mpensabene@omm.com>%3cmmailto:mpensabene@omm.com>>>

Date: Sunday, June 30, 2024 at 9:48 AM

To: Jason Sheasby

<JSheasby@irell.com<<mailto:JSheasby@irell.com><<mailto:JSheasby@irell.com>%3cmmailto:JSheasby@irell.com>>>

Cc: "Lucas, Amy R."

<alucas@omm.com<<mailto:alucas@omm.com><<mailto:alucas@omm.com>%3cmmailto:alucas@omm.com>>>, "Harbour, Michael"

<MHarbour@irell.com<<mailto:MHarbour@irell.com><<mailto:MHarbour@irell.com>%3cmmailto:MHarbour@irell.com>>>, "jtruelove@mckoolsmith.com<<mailto:jtruelove@mckoolsmith.com><<mailto:jtruelove@mckoolsmith.com>%3cmmailto:jtruelove@mckoolsmith.com%3e>"

<jtruelove@mckoolsmith.com<<mailto:jtruelove@mckoolsmith.com><<mailto:jtruelove@mckoolsmith.com>%3cmmailto:jtruelove@mckoolsmith.com>>>, "Ashley, Matt"

<MAshley@irell.com<<mailto:MAshley@irell.com><<mailto:MAshley@irell.com>%3cmmailto:MAshley@irell.com>>>, "Manzin-Monnin, Benjamin"

<bmonnin@irell.com<<mailto:bmonnin@irell.com><<mailto:bmonnin@irell.com>%3cmmailto:bmonnin@irell.com>>>, "Clarkston, Matt"

<mclarkston@omm.com<<mailto:mclarkston@omm.com><<mailto:mclarkston@omm.com>%3cmmailto:mclarkston@omm.com>>>, "Chestney, Isabella"

<ichestney@irell.com<<mailto:ichestney@irell.com><<mailto:ichestney@irell.com>%3cmmailto:ichestney@irell.com>>>, "Glasser, Lisa"

<lglasser@irell.com<<mailto:lglasser@irell.com><<mailto:lglasser@irell.com>%3cmmailto:lglasser@irell.com>>>, #Netlist-Samsung-CDCal <Netlist-Samsung-CDCal@irell.com<<mailto:Netlist-Samsung-CDCal@irell.com><<mailto:Netlist-Samsung-CDCal@irell.com>%3cmmailto:Netlist-Samsung-CDCal@irell.com>>>, "#CDCal-Staff [Int]" <CDCal-Staff@irell.com<<mailto:CDCal-Staff@irell.com><<mailto:CDCal-Staff@irell.com>%3cmmailto:CDCal-Staff@irell.com>>>, #Samsung Netlist Trial Team

<SamsungNetlistTrialTeam@omm.com<<mailto:SamsungNetlistTrialTeam@omm.com><<mailto:SamsungNetlistTrialTeam@omm.com>%3cmmailto:SamsungNetlistTrialTeam@omm.com>>>, "Feinstein, Marc"

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<LAD@fr.com<<mailto:LAD@fr.com><<mailto:LAD@fr.com%3cmmailto:LAD@fr.com>>>>, Katherine Reardon
<reardon@fr.com<<mailto:reardon@fr.com><<mailto:reardon@fr.com%3cmmailto:reardon@fr.com>>>>
Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

We do not understand your message. There was no record attached or included.

Marc

From: Sheasby, Jason

<JSheasby@irell.com<<mailto:JSheasby@irell.com><<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com>>>>

Sent: Sunday, June 30, 2024 11:56 AM

To: Pensabene, Marc J.

<mpensabene@omm.com<<mailto:mpensabene@omm.com><<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com>>>>

Cc: Lucas, Amy R.

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~Smith, Melissa

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LAD@fr.com<mailto:LAD@fr.com<mailto:LAD@fr.com%3cmmailto:LAD@fr.com>>>; Katherine Reardon
<reardon@fr.com<mailto:reardon@fr.com<mailto:reardon@fr.com%3cmmailto:reardon@fr.com>>>
Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]

Counsel:

Our records indicate the following downloads for the product. volume that contain the documents that are the subject of your motion. One of these is clearly OMM or its vendor. It is apparent to use that OMM downloaded the documents that are the subject of its motion which makes the statements made to Judge Gilstrap in the declaration inaccurate.

[cid:image001.png@01DACACB.48C98870]

If we are missing something please let us known.

From: Jason Sheasby

<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com>>>>

Date: Friday, June 28, 2024 at 9:08 AM

To: "Pensabene, Marc J."

<mpensabene@omm.com<mailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com>>>>

Cc: "Lucas, Amy R."

<alucas@omm.com<mailto:alucas@omm.com<mailto:alucas@omm.com%3cmmailto:alucas@omm.com<mailto:alucas@omm.com%3cmmailto:alucas@omm.com>>>>, "Harbour, Michael"

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Thanks

JS

From: Jason Sheasby

<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmailto:JSheasby@irell.com%3cmailto:JSheasby@irell.com%3cmailto:JSheasby@irell.com>>>>

Date: Tuesday, June 25, 2024 at 3:37 PM

To: "Pensabene, Marc J."

[illegible]

Cc: "Lucas, Amy R."

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Michael"

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[illegible]

Melissa ~Smith

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Subject: Re: Netlist v. Samsung - follow up to trial

In the motion just filed, Samsung makes the following representation:

In the attached declaration, Samsung makes the following representation:

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<SamsungNetlistTrialTeam@omm.com<<mailto:SamsungNetlistTrialTeam@omm.com><<mailto:SamsungNetlistTrialTeam@omm.com><<mailto:SamsungNetlistTrialTeam@omm.com>>>>>, "Feynman, Marc"
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<mckeeon@fr.com<<mailto:mckeeon@fr.com><<mailto:mckeeon@fr.com><<mailto:mckeeon@fr.com>>>>>, Daniel Tishman
<tishman@fr.com<<mailto:tishman@fr.com><<mailto:tishman@fr.com><<mailto:tishman@fr.com>>>>>, "LAD@fr.com<<mailto:LAD@fr.com>><<mailto:LAD@fr.com><<mailto:LAD@fr.com>>>>>
<LAD@fr.com<<mailto:LAD@fr.com><<mailto:LAD@fr.com><<mailto:LAD@fr.com>>>>>, Katherine Reardon
<reardon@fr.com<<mailto:reardon@fr.com><<mailto:reardon@fr.com><<mailto:reardon@fr.com>>>>>

Marc:

I will give you one more opportunity to add any additional information you want to the below. None of this information is in the motion pending before Judge Scarsi, and your failure to provide it was a violation of your meet and confer obligations.

Samsung refused to answer.

Samsung refused to answer.

Samsung refused to answer.

Samsung refused to answer.

As I stated at the meet and confer without this information we have no choice but to not be able to agree to the motion.

JS

<mpensabene@omm.com<mailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com>>>>

To: Jason Sheasby

Cc: "Lucas, Amy R."

<MHHarbour@irell.com<mailto:MHHarbour@irell.com<mailto:MHHarbour@irell.com%3cmailto:MHHarbour@irell.com<mailto:MHHarbour@irell.com%3cmailto:MHHarbour@irell.com%3cmailto:MHHarbour@irell.com%3cmailto:MHHarbour@irell.com%3cmailto:MHHarbour@irell.com>>>>,

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Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

To fully memorialize our call, I note the following:

- * Samsung lead and local were both on the call
- * Netlist local counsel did not participate in any way in the discussion.
- * You repeatedly acted in a childish and unprofessional manner.
- * Despite being aware of the documents at issue and our request to share them with Judge Scarsi for purposes of the requested CDCA evidentiary hearing since June 8, and after steadfastly refusing to even respond to our request for weeks, you still refused to state whether you agree to our request.
- * To the extent Netlist requested information in connection with the meet and confer, I explained that (i) all relevant information is set forth in our CDCA motion, which you claimed to require before even agreeing to meet with us, and (ii) to the extent you are requesting more information not set forth in that motion, it is irrelevant to the issues before Judge Gilstrap. As I explained on our call, we are not asking Judge Gilstrap to make any substantive decisions. Instead, we are merely asking that we be allowed to share the documents in question with Judge Scarsi so he can make the substantive decision.

Best
Marc

From: Sheasby, Jason

<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com>>>>

Sent: Monday, June 24, 2024 4:12 PM

To: Pensabene, Marc J.

<mpensabene@omm.com<mailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com>>>>

Cc: Lucas, Amy R.

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jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com%3cmmailto:jtruelove@mckoolsmith.com%3cmmailto:jtruelove@mckoolsmith.com>>>>

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Subject: Re: Netlist v. Samsung - follow up to trial

Marc:

I wanted to memorialize our meet and confer. First I should note that lead and local counsel for Samsung did not participate in the meet and confer in any substantive way. Instead an OMM attorney was the only attorney who spoke. I flagged that your behavior on the call was outside of the norm. In response to the questions I have been repeatedly asking Samsung you provided the following answers:

- This list is contained in the emails you sent seeking a meet and confer on the product.

- Samsung refused to answer.

- Samsung refused to answer.

- Samsung refused to answer.

- Samsung refused to answer.

- Samsung refused to answer.

JS

<mpensabene@omm.com><mailto:mpensabene@omm.com><mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com><mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3c

From: Sheasby, Jason

[illegible]

Sent: Monday, June 24, 2024 3:15 PM

To: Pensabene, Marc J.

<mpensabene@omm.com<mailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmailto:mpensabene@
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Cc: Lucas, Amy R.

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Manzin-Monnin, Benjamin

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>; Clarkston, Matt

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melissa@gillamsmithlaw.com>>>>; Frank Albert

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>>> Katherine Reardon

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Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]

In light of the fact that you have not provided answer in writing we will need to record the meet and confer.

Thanks

JS

From: "Pensabene, Marc J."

<mpensabene@omm.com<mailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com<mailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com%3cmmailto:mpensabene@omm.com>>>>

Date: Monday, June 24, 2024 at 11:22 AM

To: Jason Sheasby

<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com>>>>

Cc: "Lucas, Amy R."

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Subject: RE: Netlist v. Samsung - follow up to trial

Jason,

We will be prepared to address these issues in our meet and confer.

We look forward to speaking with you.

Best

Marc

From: Sheasby, Jason

<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com%3cmmailto:JSheasby@irell.com>>>>

Sent: Monday, June 24, 2024 12:18 AM

To: Pensabene, Marc J.

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Cc: Lucas, Amy R.

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Michael

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Manzin-Monnin, Benjamin

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Clarkston, Matt

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Glasser, Lisa

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Subject: Re: Netlist v. Samsung - follow up to trial

[EXTERNAL MESSAGE]

Counsel.

For us to meet and confer we require answers to these questions.

Best
JS

[illegible]

I think you have a fundamental misunderstanding about this meet and confer. For weeks we have been asking you specific questions about the circumstances around the non-production of these documents in CDCA and we have yet to receive a complete and consistent answer, to the extent we've even received answers. Regardless, we do not consent to any recording of the meet and confer.

Best
Marc

[illegible][illegible][illegible]

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[EXTERNAL MESSAGE]

In advance of the meet and confer please be prepared to answer the following questions:

1. The complete list of documents at issue.
2. For each document that is the subject of the proposed motion, when did any Samsung attorney first review the document.
3. When was OMM aware that the documents were produced even if OMM had not review them.
4. Were there communications between OMM and the Fish firm or the Gilliam firm regarding the existence of the documents and when.
5. When was OMM aware that transcripts and exhibits from SK Hynix had been produced?
6. When did OMM review any portion of the production of the East Texas case.

Separately I am going to have the meet and confer recorded so we can be sure there is no dispute about what information you provided in response to these questions.

Thanks
JS

From: Jason Sheasby

[illegible]

Date: Friday, June 21, 2024 at 6:41 PM

To: "Pensabene, Marc J."

[illegible]

Cc: "Lucas, Amy R."

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